

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

January 30, 2008

DIVISION ONE

B194529 People (Not for Publication)
v.
Kenneth D. McGee et al.

McGee's and Green's sentences are vacated and the causes are remanded to the trial court with directions to impose sentence on the two lesser gun enhancements (§ 12022.52, subs. (b), (c), (e)(1)), then stay execution as to those sentences and forward corrected abstracts of judgment to the Department of Corrections; in all other respects, the judgments are affirmed.

Vogel (Miriam A.), J.

We concur: Mallano, Acting P.J.
 Jackson, J. (Assigned)

B198008 Alden (Not for Publication)
v.
Case Financial, Inc.

The order of dismissal is reversed, and the cause is remanded to the trial court with directions to enter a new order staying Alden's consolidated actions pending resolution of the Delaware action, and to thereafter proceed as appropriate. Alden is to pay his own costs of appeal.

Vogel (Miriam A.), J.

We concur: Mallano, Acting P.J.
 Rothschild, J.

DIVISION ONE (continued)

B194130 Holmgren et al. (Certified for Publication)

v.

The County of Los Angeles

The judgment is affirmed. The County is awarded its costs of appeal.

Vogel (Miriam A.), J.

We concur: Mallano, Acting P.J.
 Jackson, J. (Assigned)

B194042 Shiell et al. (Not for Publication)

v.

The County of Los Angeles et al.

The judgment is affirmed. The County is entitled to its costs of appeal.

Vogel (Miriam A.), J.

We concur: Mallano, Acting P.J.
 Jackson, J. (Assigned)

B200226 02 Development, LLC (Certified for Publication)

v.

607 South Park, LLC

The judgment is reversed, and the trial court is directed to enter an order denying 607 South Park's motion for summary judgment. Appellant shall recover its costs of appeal.

Rothschild, J.

We concur: Mallano, Acting P.J.
 Jackson, J. (Assigned)

DIVISION ONE (continued)

B187624 Gnesda (Not for Publication)

v.

Untied Parcel Service, Inc. et al.

The October 12, 2005 order denying defendants' motion for judgment notwithstanding the verdict or, in the alternative, for a new trial is reversed to the extent it conditionally reduced the jury's award of punitive damages to \$3.5 million, and, on remand, the trial court shall enter a new order granting defendants' motion to set aside the award of punitive damages in its entirety. The October 28, 2005 modified judgment is reversed to the extent it awarded punitive damages, and, on remand, the trial court shall enter a new judgment deleting the award of punitive damages. Defendants are entitled to costs on appeal.

Mallano, Acting P.J.

We concur: Vogel (Miriam A.), J.
 Jackson, J. (Assigned)

DIVISION TWO

B191279 Alikhani (Not for Publication)

v.

Warner Bros. Entertainment, Inc., et al.

The judgment of the trial court is affirmed. Respondents are entitled to costs on appeal.

Boren, P.J.

I concur: Chavez, J.
I dissent: Ashmann-Gerst, J. (Opinion)

DIVISION TWO (continued)

B193632 Makarowski (Not for Publication)

v.
Morrison

The dismissal of Makarowski's first amended petition is affirmed.
Morrison shall recover her costs on appeal.

Ashmann-Gerst, J.

We concur: Doi Todd, Acting P.J.
 Chavez, J.

B199433 Morelock (Not for Publication)

v.
Mastandrea

The judgment of the trial court is affirmed. Respondent is entitled to costs on appeal.

Ashmann-Gerst, J.

We concur: Doi Todd, Acting P.J.
 Chavez, J.

B198169 Smith et al. (Not for Publication)

v.
Sunshine Child Care & Learning Centers, Inc. et al.

The judgment of the trial court is affirmed. Respondents are entitled to costs on appeal.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Chavez, J.

DIVISION TWO (continued)

B194199 Cunningham (Not for Publication)

v.
Bedi, et al.

The order of the trial court is affirmed. Respondents are entitled to costs on appeal.

Ashmann-Gerst, J.

We concur: Boren, P.J.
Doi Todd, J.

B197534 Bellamy (Not for Publication)

v.
Technicolor Entertainment Services, Inc.

The judgment of the trial court is affirmed. Technicolor is entitled to costs on appeal.

Ashmann-Gerst, J.

We concur: Boren, P.J.
Doi Todd, J.

B197602 People (Not for Publication)

v.
Severe

The Court:

The judgment is affirmed.

Ashmann-Gerst, J., Doi Todd, Acting P.J., Chavez, J.

DIVISION THREE

B192473 People (Not for Publication)

V.

Michael Hunt

The judgment is affirmed.

Klein, P.J.

We concur: Kitching, J.

Aldrich, J.

B194978 People (Not for Publication)

V.

Renny Calderon

The judgment is affirmed.

Aldrich, J.

We concur: Croskey, Acting P.J.

Kitching, J.

B199228 People (Not for Publication)

V.

Ahmad Brazier

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.

Croskey, J.

DIVISION THREE (continued)

B197316 Lawrence E. Coffman, as Trustee, etc, et al. (Not for Publication)
v.
Evangelina A. Thomas

The default judgment, and the order denying the motion to vacate the default and default judgment, are affirmed. Coffman shall recover costs on appeal.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

B197098 Kenneth Zammitt (Not for Publication)
v.
Ethicon Endo-Surgery, Inc.

The judgment is reversed. Zammitt shall recover his costs on appeal

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

DIVISION THREE (continued)

B164398 Jodie Bullock (Certified for Publication)

v.

Philip Morris USA Inc.

The judgment is reversed as to the amount of punitive damages and affirmed in all other respects, with directions to the superior court to conduct a new trial limited to determining the amount of punitive damages in a manner consistent with the views expressed in this opinion. The order awarding a monetary sanction against Piuze is reversed. Philip Morris and Bullock are to bear their own costs on appeal. Piuze is entitled to recover his costs on appeal.

Croskey, J.

We concur: Klein, P.J.
 Kitching, J.

B202053 The Right Site Coalition Not for Publication)

v.

Los Angeles Unified School District et al

The order denying a preliminary injunction is reversed. The matter is remanded to the trial court to reconsider the Coalition's application for preliminary injunction, guided by the principles set forth in this opinion. Pending the determination of the application for preliminary injunction, the temporary restraining order previously issued shall remain in full force and effect. The Coalition shall recover its costs on appeal.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J

January 30, 2008 (Continued)

DIVISION THREE (continued)

B165756 Keith Alan (Not for Publication)

V.
American Honda Motor Co. Inc.

The order is affirmed.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

DIVISION FOUR

B195004 People (Not for Publication)

V.
Hector E.

The order continuing wardship is affirmed.

Manella, J.

We concur: Willhite, Acting P.J.
Suzukawa, J.

B199081 People (Not for Publication)

v.
Sierra

The judgment is affirmed.

Willhite, Acting P.J.

We concur: Manella, J.
Suzukawa, J.

DIVISION FOUR (continued)

B196509 People (Not for Publication)

V.
Jamie S.

Probation condition number 15 is modified to read, "Do no associate with anyone known to you to be disapproved of by your parents, your Probation Officer, or school officials." In all other respects, the order is affirmed.

Suzukawa, J.

We concur: Epstein, P.J.
Manella, J.

DIVISION FIVE

B203232 People (Not for Publication)

V.
Edward Renee Harden

The appeal is dismissed.

Turner, P.J.

We concur: Armstrong, J.
 Kriegler, J.

B197005 Gregory Laushine (Not for Publication)

V.
Diana Elliott

The judgment is affirmed. Respondent(s) to recover costs.

Turner, P.J.

We concur: Armstrong, J.
 Kriegler, J.

DIVISION FIVE (continued)

B198131 People (Not for Publication)

V.

Marco A. Bravo

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.

Kriegler, J.

B196296 People

V

Roger A.

Filed order denying petition for rehearing.

B160939 Barbara Levinv.

V

United Air Lines

Filed order denying petition for rehearing.

DIVISION SIX

B196843 People (Not for Publication)

V.

Johnson

The judgment (order of commitment) is affirmed.

Perren, J.

We concur: Yegan, Acting P.J.

Coffee, J.

DIVISION SIX (continued)

B183532 Co. of Ventura (Certified for Publication)
 v.
 Channel Island Marina, Inc.

The judgment is reversed. Costs are awarded to appellant.

Gilbert, P.J.

I concur: Yegan, .J.
I dissent: Coffee, J. (Opinion)

DIVISION SEVEN

B199643 People (Not for Publication)
 v.
 D. S.,

The judgment is affirmed.

Wiley, J. (Assigned)

We concur: Woods, Acting P.J.
 Zelon, J.

B201015 People (Not for Publication)
 v.
 Gaxiola, Jr.

The judgment is affirmed.

Wiley, J. (Assigned)

We concur: Woods, Acting P.J.
 Zelon, J.

DIVISION SEVEN (continued)

B196485 People (Not for Publication)
v.
Powell

The judgment is affirmed.

Perluss, P.J.

We concur: Woods, J.
Zelon, J.

B195820 Yoon
 v.
 Choi

(Not for Publication)

The order denying the section 425.16 special motion to strike is affirmed. Yoon is to recover his costs on appeal.

Perluss, P.J.

We concur: Woods, J.
Zelon, J.

DIVISION EIGHT

B193962 People (Not for Publication)
v.
Austreberto Maldonado

The judgment is affirmed. However, the trial court is directed to issue and amended abstract of judgment reflecting the following: (1) appellant should receive 350 days of actual presentence custody credit and 174 days of conduct credit, for a total of 524 days; and (2) appellant is required to submit to DNA testing under Penal Code section 296.

Egerton, J. (Assigned)

We concur: Cooper, P.J.
Flier, J.

DIVISION EIGHT (continued)

B194705 People (Not for Publication)
v.
Lewis Gray

The judgment is affirmed.

Rubin, J.

We concur: Cooper, P.J.
Flier, J.

B194953 People (Not for Publication)
v.
Raheem M.,
In re Raheem M., a Person Coming Under the Juvenile Court Law.

For the reasons set forth above, the order declaring appellant a ward of the juvenile court is affirmed.

Rubin, J.

We concur: Cooper, P.J.
Flier, J.

B189211 People (Not for Publication)
v.
Anderson

The judgment is affirmed.

Cooper, P.J.

We concur: Rubin, J.
Flier, J.

January 30, 2008 (Continued)

DIVISION EIGHT (continued)

B190603 People (Not for Publication)
v.
Taylor

The judgment is affirmed.

Cooper, P.J.

We concur: Rubin, J.
Flier, J.

B183508 People (Not for Publication)
v.
Verdin et al.

The judgments are affirmed.

Cooper, P.J.

We concur: Rubin, J.
Flier, J.

B197309 Brandon Hahn (Not for Publication)
v.
Superior Court, Los Angeles County
(Roland Rothman et al., r.p.i.)

The petition for writ of mandate is denied. The alternative writ is discharged. The parties are to bear their own costs.

Rubin, J.

We concur: Cooper, P.J.
Flier, J.

DIVISION EIGHT (continued)

B187840 Ritter & Ritter, Inc., etc., et al.,
 v.
 The Churchill Condominium Association et al.,

Filed order vacating submission order of October 31, 2007. Due to press of other court business and the complexity of the issues, additional time is needed to complete and file the opinion in this matter. Cause resubmitted.